IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

CONFEDERATED TRIBES AND BANDS
OF THE YAKAMA NATION,

        Plaintiff,

    v.

AIRGAS USA, LLC, successor in merger to
Air Liquide America Specialty Gases LLC, a
Delaware limited liability company, **et al.**

        Defendants.

No. 3:17-cv-00164-JR

OPINION AND ORDER

MOSMAN, J.,

On November 15, 2019, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation ("F&R") [ECF 379], recommending that I deny Moving Defendants' Motion to Certify for Immediate Appeal [ECF 366]. Moving Defendants filed joint objections [ECF 381]; other Defendants joined those objections [ECF 382]; and USA filed a response to the objections [ECF 383].

LEGAL STANDARD

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See*
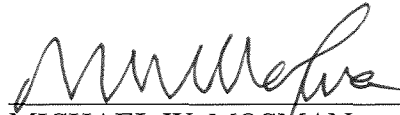
Thomas v. Arn, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review of the F&R, I agree with Judge Russo's reasoning and conclusions. Therefore, I ADOPT the F&R [379] as my own opinion. I DENY Moving Defendants' Motion to Certify for Immediate Appeal [366].

IT IS SO ORDERED.

DATED this ___6___ day of February, 2020.

MICHAEL W. MOSMAN
United States District Judge